

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WALLACE DEEN-MITCHELL,

Plaintiff,

v.

HARLEY G. LAPPIN, et al.,

Defendants

CIVIL ACTION NO. 1:11-CV-01902

(CONNER, C.J.)
(MEHALCHICK, M.J.)

REPORT AND RECOMMENDATION

On June 2, 2014, this Court entered a Memorandum ([Doc. 145](#)) and Order ([Doc. 146](#)) granting the United States' motion to remove Plaintiff Deen-Mitchell's *in forma pauperis* status. The Order further directed Deen-Mitchell to pay the applicable filing fee in full within thirty (30) days of the date of the Order or dismissal would be recommended. On June 16, 2014, Deen-Mitchell filed a motion for relief from judgment ([Doc. 147](#)) asking the Court to reconsider and vacate the Memorandum and Order entered by the undersigned Magistrate Judge. On August 15, 2014, the District Court Judge construed Deen-Mitchell's motion as an appeal from a non-dispositive decision of a Magistrate Judge, *see* Local Rule 72.2, and denied Deen-Mitchell's appeal. ([Doc. 171](#)). The District Court Judge further ordered Deen-Mitchell to pay the applicable filing fee in full within thirty (30) days of the Court's August 15, 2014 Order. (*See* [Doc. 171](#)). Subsequently, Deen-Mitchell moved for relief from the Court's Order. ([Doc. 173](#)). On September 24, 2014, the Court denied that motion. ([Doc. 175](#)). More than thirty days have passed since this Court's August 15, 2014 Order, and Deen-Mitchell has not paid the applicable filing fee.

AND NOW, this 24th day of September, 2014, upon Deen-Mitchell's failure to pay the applicable filing fee within thirty (30) days as directed by this Court's August 15, 2014 Order ([Doc. 171](#)), it is hereby recommended that:

1. The Court enter an Order **DISMISSING** the case;
2. All pending motions be **DISMISSED** as moot;¹ and
3. The Clerk of Court be directed to **CLOSE** the case.

Dated: September 24, 2014

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge

¹ Currently pending before the Court are the following motions: Deen-Mitchell's motion for an order directing Defendants to return Deen-Mitchell's legal materials ([Doc. 140](#)); Deen-Mitchell's motion to serve Deen-Mitchell with documents ([Doc. 155](#)); and Deen-Mitchell's motion for sanctions. ([Doc. 163](#)).

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NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing **Report and Recommendation** dated **September 24, 2014**.

Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Dated: September 24, 2014

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States Magistrate Judge